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Message Text

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ACTION DLOS-09

INFO OCT-01 EUR-12 IO-13 ISO-00 ACDA-12 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DODE-00
DOTE-00 EB-08 EPA-01 SOE-02 DOE-11 FMC-01 TRSE-00
H-01 INR-10 INT-05 JUSE-00 L-03 NSAE-00 NSC-05
NSF-01 OES-07 OMB-01 PA-01 PM-05 SP-02 SS-15
USIA-06 AF-10 ARA-10 EA-10 NEA-10 /179 W
----------105985 031857Z /42
R 031612Z MAR 78
FM AMEMBASSY BERLIN
TO SECSTATE WASHDC 6847
INFO AMEMBASSY MOSCOW
USMISSION USBERLIN
USMISSION GENEVA
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 01 OF 02 BERLIN 01563

E.O.11652: GDS
TAGS: PLOS, GE
SUBJECT: LOS: FURTHER CONSULTATIONS WITH GDR OFFICIALS

REFS: (A) BERLIN 809 (NOTAL), (B) BERLIN 810 (NOTAL),
(C) STATE 50284 (NOTAL), (D) STATE 51056 (NOTAL)

1. SUMMARY. GDR LOS OFFICIAL GOERNER WAS MODERATELY ENCOURAGED BY TALKS ON SEABEDS ISSUE DURING NEW YORK SESSION BUT DISAPPOINTED AT LACK OF MOVEMENT ON LANDLOCKED-GEOGRAPHICALLY DISADVANTAGED STATES (LL/GDS) ISSUES. GDR IS SERIOUSLY CONCERNED ABOUT PROCEDURAL PROBLEMS RELATING TO THE LL/GDS ISSUE AND CONFERENCE LEADERSHIP. GDR WISHES TO SEE US TAKE MORE ACTIVE ROLE IN LL/GDS ISSUE AT NEXT SESSION AND HOPES US WILL CONSIDER FURTHER QUESTION OF GDR PROPOSALS ON PREFERENCES IN THE EXCLUSIVE ECONOMIC ZONES (EEZ).
END SUMMARY.
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2. EMBOFF MET WITH DEPUTY HEAD OF LAW AND TREATY DEPARTMENT, MFA, GUNTER GOERNER ON MARCH 2 TO DISCUSS RECENT INTERSESSIONAL LOS MEETING IN NEW YORK AND RELATED MATTERS. IN GENERAL, GOERNER'S ASSESSMENT OF FEBRUARY SESSION WAS ESSENTIALLY THE SAME AS THAT OF USDEL, REPORTED REF C. GOERNER EXPRESSED APPRECIATION

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FOR OPPORTUNITY TO MEET WITH AMBASSADOR RICHARDSON
AND MEMBERS OF USDEL FOR CONSULTATIONS WHILE IN NEW
YORK.

3. PROCEDURE. GOERNER WAS VERY CONCERNED WITH THE
EXISTING PROCEDURES FOR DEALING WITH LL/GDS ISSUE
AND WANTS TO SEE THE NEGOTIATING GROUP BE OPEN-ENDED
SO THAT ALL INTERESTED DELEGATIONS CAN PARTICIPATE. IN
FACT GDR WANTS ALL COUNTRIES (READ US) INVOLVED
IN LL/GDS DEBATE AT THE GENEVA SESSION IN MARCH.
GOERNER SAID HE STRONGLY OBJECTED TO RULING BY
CONFERENCE PRESIDENT AMERASINGHE THAT NEGOTIATING
GROUP IN NEW YORK NOT BE EXPANDED. GOERNER SAID
THAT THE GDR CAN AGREE TO THE PRESIDENT'S PROPOSALS
(A/CONF. 62), IN PARTICULAR PARAGRAPH 7 TO THE
EFFECT THAT EACH NEGOTIATING GROUP WOULD BE OPEN-ENDED.
ON THE QUESTION OF AMENDING THE INFORMAL COMPOSITE
NEGOTIATING TEXT, THE GDR FAVORS A COLLEGIAL SYSTEM IN
WHICH THE CHAIRMAN OF ALL THREE COMMITTEES WOULD HAVE
TO AGREE TO ANY CHANGES. GOERNER SAID THE GDR FEELS
THAT THE CHAIRMAN OF COMMITTEES I AND III WILL
PROVIDE SOME BALANCE AND CAN REFLECT LL/GDS INTERESTS.
GDR WOULD STRONGLY OPPOSE CASTANEDA PROPOSAL THAT
CHAIRMAN OF RELEVANT COMMITTEES HAVE VETO POWER OVER
CHANGE IN THE ICNT FOR THEIR RESPECTIVE COMMITTEES.

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4. CONFERENCE LEADERSHIP. WHILE GDR WOULD NORMALLY
OPPOSE HAVING AN INDIVIDUAL PRESIDE OVER A UN
CONFERENCE IN A PERSONAL CAPACITY, IT CONSIDERS PRESENT
SITUATION AN EXCEPTION AND WOULD LIKE TO SEE AMERASINGHE
REMAIN CONFERENCE PRESIDENT. HOWEVER, GOERNER
APPEARED DOUBTFUL THAT THIS WILL HAPPEN. HE EXPRESSED
SERIOUS CONCERN ABOUT THE SELECTION OF A SUCCESSOR
PRESIDENT. GOERNER SAID MATTERS HAD NOT YET BEEN
CONSIDERED WITHIN THE GDR AT THE POLICY LEVEL AND
THAT NO CONSULTATIONS HAD BEEN HELD WITHIN THE EAST
EUROPEAN GROUP. NOTING THAT NEXT PRESIDENT MUST COME
FROM THE ASIAN GROUP, GOERNER EXPRESSED HIS PERSONAL
OPINION THAT THE GDR COULD SUPPORT NANDAN (FIJI) OR
PINTO (SRI LANKA) ALTHOUGH HE WAS NOT SURE HOW PINTO'S
RELATIONS ARE WITH THE NEW GOVERNMENT IN
COLOMBO. GDR WOULD BE HAPPY TO SUPPORT
KOH (SINGAPORE) BUT THOUGHT KOH WOULD PROBABLY NOT
HAVE BROAD SUPPORT BECAUSE HE WAS TOO CLOSELY ASSOCIATED
WITH LL/GDS ISSUE. HE SAID THE GDR WOULD HAVE
"PROBLEMS" WITH JAGOTA (INDIA).

5. SEABEDS. THE GDR VIEWS ON THE SEABEDS

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DISCUSSIONS ARE SIMILAR TO THOSE OF THE DELEGATION (REF C). GOERNER CONSIDERS THE REVISED TEXT OF ARTICLE 150 A POSITIVE STEP. GOERNER AND EMBOFF AGREED TO MEET LATER (MARCH 9) FOR MORE DETAILED DISCUSSION OF SEABED ISSUES (SYSTEM OF EXPLOITATION, RESOURCE POLICY, GOVERNANCE OF INTERNATIONAL SEABED AUTHORITY).

6. ARCHIPELAGOES. GOERNER SAID HE WAS PERSUADED BY PRESENTATION OF USDELOFF (TAFT) THAT ARTICLE 53 (RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE) IS A NEGOTIATED COMPROMISE AND GDR WOULD NOT PROPOSE ANY AMENDMENTS REGARDING NAVIGATION IN ARCHIPELAGOES. HOWEVER, HE WOULD KEEP AN AMENDMENT "IN THE POCKET"
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ACTION DLOS-09

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DOTE-00 EB-08 EPA-01 SOE-02 DOE-11 FMC-01 TRSE-00
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FM AMEMBASSY BERLIN
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IF "EXTREMISTS" TRIED TO REDUCE NAVIGATION AND OVER-FLIGHT RIGHTS IN THE ARCHIPELAGO.

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7. LL/GDS RIGHTS IN THE EEZ. MOST OF THE MEETING WAS DEVOTED TO A DISCUSSION OF RIGHTS OF LL/GDS IN LIVING RESOURCES OF THE EEZ. GOERNER SAID HE AGREED WITH AMBASSADOR RICHARDSON'S ASSESSMENT THAT A FINAL SETTLEMENT OF THE LL/GDS ISSUE WOULD INCLUDE (A) RIGHT OF ACCESS FOR LL/GDS TO LIVING RESOURCES AND (B) THAT THE RIGHT WOULD APPLY ONLY TO THE SURPLUS (PARA 7 REF D). GOERNER SAID GDR COULD ACCEPT BOTH ELEMENTS, ALTHOUGH SOME MEMBERS OF LL/GDS GROUPS HAD DIFFICULTIES WITH THE SECOND POINT. THE GDR HAS SERIOUS PROBLEMS WITH THE THIRD ELEMENT (NO GENERAL PREFERENCE FOR LL/GDS) AND FOURTH ELEMENT (RIGHT WOULD BE EXERCISED WITHIN A REGIONAL OR SUB-REGIONAL CONTEXT). GOERNER SAID THAT IF THERE WERE NO PREFERENCES FOR LL/GDS THE ENTIRE TREATY
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WOULD GIVE THE LL/GDS STATES NOTHING. THE GDR'S CONCERN IS THAT TRADITIONAL FISHING STATES WHICH ARE LL/GDS SHOULD HAVE A PREFERENCE IN THE EEZ OVER TRADITIONAL FISHING STATES WHICH HAVE THEIR OWN FISHING ZONES FOR REASONS OF EQUITY AND BECAUSE STATES WITH FISHING ZONES WILL TRADE OFF FISHING RIGHTS ON A BASIS OF RECIPROCITY LEAVING THE LL/GDS OUT IN THE COLD. THROUGHOUT THE DISCUSSION GOERNER REFERRED TO JAPAN AS AN EXAMPLE OF TRADITIONAL FISHING NATION WITH ITS OWN ZONE BUT, WHEN ASKED, ADMITTED THAT THE USSR WAS ALSO A POTENTIAL COMPETITOR FOR FISHING RIGHTS. GOERNER ACKNOWLEDGED, AS HE DID IN NEW YORK, THAT GDR WAS HOLDING DISCUSSIONS WITH THE USSR ON THIS POINT BUT INDICATED THE ISSUE WAS UNRESOLVED. GOERNER OFFERED NO FORMULA BUT SUGGESTED WHAT THE GDR WAS LOOKING FOR WAS A PROVISION WHICH WOULD RESERVE SOME PROPORTION OF THE EXCESS FOR LL/GDS TRADITIONAL FISHING NATIONS SO THE COASTAL STATE COULD NOT BARTER IT ALL AWAY.

8. ON THE QUESTION OF THE EXERCISE OF THE RIGHT OF ACCESS WITHIN A REGIONAL CONTEXT, GOERNER, NOT UNEXPECTEDLY, SAID THAT WHILE THIS MIGHT MAKE SENSE FOR OTHER REGIONS, IT WOULD NOT WORK FOR EUROPE UNLESS ALL OF THE NORTH ATLANTIC (CANADA AND THE US) WERE INCLUDED IN THE REGION. GOERNER SAID FISHING OFF ICELAND WAS EXCLUDED BY THE TREATY AND THAT THE EEC WOULD HAVE NO SURPLUS (ALTHOUGH THE GDR WILL MAKE AN EFFORT TO GAIN FISHING RIGHTS IN THE EEC ZONE), WHICH LEFT ONLY NORWAY. GOERNER WAS VERY CLEAR THAT THE PROBLEM FOR THE GDR WAS ACCESS TO THE US AND CANADIAN EEZ AND THAT THEY CONSIDER THE PRESENT FORMULATION SUCH THAT THE GDR WOULD BE

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SQUEEZED OUT BY THE USSR, JAPAN, ETC. AS PER PARA 8, REF C, EMBOFF DID NOTHING TO ENCOURAGE GOERNER IN THE HOPE THAT IT WOULD BE POSSIBLE TO NEGOTIATE SUCH A FORMULA.

9. GOERNER AND EMBOFF AGREED TO MEET ONCE AGAIN BEFORE BEGINNING OF MARCH LOS CONFERENCE IN GENEVA TO DISCUSS SEABEDS ISSUE. GOERNER INDICATED HE WOULD WELCOME CONTINUED DISCUSSION OF LOS MATTERS BOTH IN EAST BERLIN AND IN GENEVA. HE WOULD PARTICULARLY WELCOME ANY FURTHER US COMMENTS ON THE POINTS HE MADE ON THE LL/GDS PROBLEM. GOERNER ALSO SAID HE WOULD LIKE TO MEET WITH EMBOFF FOLLOWING THE GENEVA SESSION OF THE CONFERENCE TO COMPARE NOTES ON THE OUTCOME. EMBOFF AGREED TO CONTINUING CONSULTATIONS WITH GDR OFFICIALS.

10. COMMENT. IT IS CLEAR THAT GDR CONSIDERS THE US TO BE THE KEY TO THE LL/GDS ISSUE PRESUMABLY BECAUSE IT IS US (AND CANADIAN) FISH THE GDR IS AFTER. IT IS FOR THIS REASON THAT THE GDR WOULD LIKE TO SEE THE US TAKE AN ACTIVE PART IN THE NEGOTIATIONS AND MAKE A PUBLIC DECLARATION OF ITS POSITION. PRESUMABLY THE GDR ANTICIPATES THAT THE US WILL BE MORE FORTHCOMING ON THIS THAN IT WAS IN THE PAST. END COMMENT.

11. ACTION REQUESTED. IF DEPARTMENT HAS ANY FURTHER GUIDANCE FOR EMBASSY ON POINTS WHICH SHOULD BE MADE TO GOERNER AT NEXT MEETING, PLEASE PROVIDE BY COB MARCH 7. BOLEN

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